

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED

2007 JAN 23 AM 10:02

CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

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In re:

VII HOLDINGS COMPANY,

Case No. 06-10935-BLS
Chapter 7 (Involuntary)

Debtor

-----X

NOTICE OF APPEAL

Pursuant to the provisions of Fed. R. Bankr. P. 8001(a) and Loc. R. 8001-1(a), the undersigned hereby appeals the "Order Annulling Automatic Stay and Dismissing Involuntary Petition and Chapter 7 Case", dated January 12, 2007, Brendan L. Shannon, J., issued in the within captioned bankruptcy case to the United States Court of Appeals for the Third Circuit.

JOHN WILSON,



John Wilson, PRO SE
196 West River Street

Date: January 20, 2007

Orange, MA 01364-1415

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:)	
)	
VII HOLDINGS COMPANY,)	Chapter 7
)	Case No. 06-10935 (BLS)
Debtor.)	
)	
)	Relates to D.I. 1, 9, 10, and 17

**ORDER ANNULING AUTOMATIC STAY
AND DISMISSING INVOLUNTARY PETITION AND CHAPTER 7 CASE**

UPON CONSIDERATION of the Motion Of Southbridge Savings Bank For Entry Of An Order Granting Relief From The Automatic Stay *Nunc Pro Tunc* Or Alternatively, Dismissing The Case *Nunc Pro Tunc* and the Motion Of Cambridge Properties, LLC To Dismiss Involuntary Chapter 7 Petition *Nunc Pro Tunc* (the "Motions") and the record in this case; the Court finding for the reasons stated by the Court on the record at the hearing held in this case on January 12, 2006 that (i) good cause exists for the relief ordered herein pursuant to 11 U.S.C. §§ 303(i), 305(a)(1), 707(a) and 362(d), (ii) the involuntary petition in this case constitutes a bad faith filing within the meaning of 11 U.S.C. § 303(i), and (iii) adequate notice of the Motions has been provided; **IT IS HEREBY ORDERED** that :

1. The Motions be and hereby are GRANTED as set forth herein.
2. Pursuant to 11 U.S.C. § 362(d), the automatic stay of 11 U.S.C. § 362 is vacated and annulled for all purposes effective as of August 30, 2006, and the automatic stay that otherwise would have been applicable in this case has no force or effect, whether on the August 31, 2006 foreclosure sale of the Subject Property (as defined in the Motions) or otherwise.


3. Pursuant to 11 U.S.C. §§ 303(i), 305(a)(1) and 707(a), this chapter 7 case, and the involuntary petition filed in this case, are hereby DISMISSED, provided however, that the Court retains jurisdiction to enter such further orders as the Court may deem appropriate imposing sanctions on account of Petitioner John F. Wilson's bad-faith filing of the involuntary petition in this case.

4. Within five business days following entry of this Order, counsel for Southbridge and Cambridge may file under certification of counsel a statement of attorneys' fees and costs incurred in connection with this cases, a copy of which certification shall be mailed contemporaneously to John F. Wilson. Any objection to the reasonableness of such fees and costs shall be filed with the Court and served upon counsel to Southbridge Savings Bank and Cambridge Properties, LLC on or before the tenth day following the filing of such certification.

5. The stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) shall be inapplicable to this order, and this order is effective immediately upon entry.

6. The Court retains jurisdiction to enter such further orders in aid of this Order as may be appropriate.

Dated: January 16, 2007


Brendan L. Shannon
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: 06-10935 ☒ BK ☐ AP

If AP, related BK Case Number: _____

Title of Order Appealed:

Order Annulling Automatic Stay and Dismissing Involuntary Petition and Chapter 7 CaseDocket Number: 20Date Entered: 1/16/2007Item Transmitted: ☒ Notice of Appeal
☐ Amended Notice of Appeal☐ Motion for Leave to Appeal
☐ Cross AppealDocket Number: 23Date Filed: 1/23/2007

*Appellant/Cross Appellant:

John Wilson, pro se

*Appellee/Cross Appellee

see attachment ☒

Counsel for Appellant:

Counsel for Appellee:

John Wilson, pro se ☒see attachment196 West River Street ☒Orange, MA 01364 ☒978-544-6009 ☒**If additional room is needed, please attach a separate sheet.*Filing Fee paid? ☒ Yes ☐ NoIFP Motion Filed by Appellant? ☐ Yes ☒ NoHave Additional Appeals to the Same Order been Filed? ☐ Yes ☒ NoIf so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # _____

Additional Notes:

Appellant did not file Designation of Items to be Included in the Record2/8/2007
DateBy: M. Lopez
Deputy ClerkBankruptcy Court Appeal (BAP) Number: 07-03
7/6/06

FOR USE BY U.S. BANKRUPTCY COURT

ATTACHMENT

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